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Travelling Allowance Rules

Amendment to rule 97 of the Travelling Allowance Rules.

*769 Q.—Mr. G. Harisarvottama Rao: Will the hon. the Member for Finance be pleased to state with reference to G.O. No. 531, Finance, dated 3rd August 1928, regarding amendment to Travelling Allowance Rules—

(a) the reasons for deleting the old rule 97-A, inserting the new rule 96-A and adding the new paragraph at the end of 97 (a); and

(b) the financial effect of these changes?

A.—(a) The old rule provided for expenses only in cases where a railway journey was involved. The Government considered that the same rule should apply to other journeys also. They have therefore issued the new rule 96-A.

(b) The Government have not sufficient experience of the new rules to estimate their financial effect.

Civil Justice

Appointment of an additional Sub-Judge in South Arcot.

*770 Q.—Mr. R. Srinivasa Ayyangar: Will the hon. the Law Member be pleased to state—

(a) whether any report has been received from the High Court with regard to the congestion of work in the Sub-Court and District Court, South Arcot; and

(b) whether the Government propose to appoint an additional Sub-Judge to relieve the same and if so, when?

A.—(a) Yes.

(b) The question of appointing an Additional Sub-Judge to the Sub-Court, Cuddalore, is under the consideration of Government.

Mr. R. Srinivasa Ayyangar:—"May I know from the hon. the Law Member whether since this answer was given, any further orders were passed by Government?"

The hon. Diwan Bahadur M. Krishnan Nayar:—"After this answer was framed, Government passed an order for the appointment of an additional Sub-Judge in Cuddalore from 1st December."

Jails

Release of Mr. M. P. Narayana Menon.

*771-A Q.—Mr. K. Madhavan Nayar: Will the hon. the Law Member be pleased to state—

(a) how long Mr. M. P. Narayana Menon has been in the jail now;

(b) whether the Government propose to consider the question of his release;

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(*c*) whether he thinks that the situation in Malabar now is such as to make the presence of Mr. Narayana Menon dangerous; if so, what are the facts that warrant it;

(*d*) whether the Government are prepared to redeem the promise it made through its late Law Member that it will sympathetically consider the question of his release if two of his friends give an undertaking as suggested by the Government;

(*e*) whether, if section 401 of the Criminal Procedure Code stands in the way of the Government redeeming the said pledge, Government was not aware of that section when the promise was made; and

(*f*) whether the Government or His Excellency the Governor has no power to release a convicted person irrespective and independently of section 401, Criminal Procedure Code; and if they have, why such powers are not exercised in favour of Mr. Narayana Menon?

A—(*a*) Since 25th September 1922.

(*b*) Yes; if he gives the undertaking which he was required to give.

(*c*) Mr. Narayana Menon is not a State prisoner, but one convicted by a court of law. So, his release does not depend entirely on the conditions of Malabar.

(*d*) Yes; if Mr. Narayana Menon gives the undertaking required by Government.

(*e*) Government were aware of the section.

(*f*) The answer to the first part of the question is in the negative. The second part does not arise.

Mr. K. MADHAVAN NAYAR:—"In answer to (*d*) did not the late Law Member make this House understand that no undertaking from Mr. Narayana Menon is necessary but that it is enough if two of his friends gave the undertaking?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Notice, Sir."

Mr. DANIEL THOMAS:—"Are not the Government aware that under the Criminal Procedure Code they cannot release a prisoner without any condition?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"Government have power."

Dr. B. S. MALLAYYA:—"Did not Mr. M. Krishnan Nayar put two questions to the then Law Member and elicit the information that Mr. Narayana Menon would be released on the surety of two of his friends?"

The hon. the PRESIDENT:—"The question is not admissible."

Mr. S. SATYAMURTI:—"May I know Sir, whether, as at present advised, the Government will not consider the question of the release of Mr. Narayana Menon unless he himself gives an undertaking as required by the Government?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"That is so."

Mr. K. MADHAVAN NAYAR:—"If as a matter of fact the late Law Member had given an assurance that Government would release Mr Narayana Menon on the surety of two of his friends, may I know if the Government will release him now if two of his friends stand as surety?"

The hon. Diwan Bahadur M. KRISHNAN NAYAR:—"I am not prepared to answer a hypothetical question."

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Mr. S. SATYAMURTI :—" May I know why the Government refuse to release Mr. Narayana Menon without an undertaking from himself ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR .—" Because Government think that an undertaking from him is necessary."

Mr. S. SATYAMURTI :—" Sir I am asking for the reasons."

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" According to the Criminal Procedure Code Government can, with or without a condition release a prisoner, and in the present case they consider that they cannot release him unconditionally."

Mr. K. MADHAVAN NAYAR :—" May I know whether this Government is prepared to redeem its pledges ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Government are not aware of any pledges given."

Mr. K. MADHAVAN NAYAR :—" May I know what makes the Government vindictive ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" They are not at all vindictive."

Mr. S. SATYAMURTI :—" May I know the reason why the Government should insist on one set of conditions alone when there is another set of conditions ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" Because my friend must be aware that the Criminal Procedure Code contemplates that the undertaking must be given by the prisoner himself."

Health of Mr. M. P. Narayana Menon.

* 771-B Q.—Mr. T. ADINARAYANA CHETTIYAR : Will the hon. the Law Member be pleased to state—

(a) whether it is a fact that Mr. M. P. Narayana Menon who is now confined in the Penitentiary had to undergo a serious operation in the throat ;

(b) whether his health is bad and gives room for anxiety ; and

(c) whether he has further decreased in weight recently ?

A.—(a) No. He had granular Pharyngitis and these granules were cauterized.

(b) His health is excellent and there is no cause for anxiety.

(c) No. On the other hand he is gaining in weight. His weight on the 15th January 1928 was 112 lb. and his weight on 21st October 1928 was 128 lb.

Rao Bahadur C. S. RATNASABHAPATI MUDALIYAR :—" May I know the weight of Mr. Narayana Menon when he was admitted into the jail ? "

The hon. Diwan Bahadur M. KRISHNAN NAYAR :—" If my hon. friend refers to 22nd September 1922, I want notice."

Spinning of yarn in jails.

* 772 Q.—Mr. K. V. R. SWAMI : Will the hon. the Law Member be pleased to state—

(a) the total number of men and women confined in jails during last year ;